

Remarks

Claims 1 - 24 are pending.

Claims 1 - 6, and 10 are amended.

Claims 11 - 24 are new.

Applicant appreciates the Examiner's review of the present application and thoughtful consideration. Applicant acknowledges the Examiner considers claim 8 to be allowable. Applicant respectfully requests favorable reconsideration of the claims set forth in the present Amendment.

Turning to the Examiner's rejection of claims 1-7, 9, and 10 under 35 U.S.C. §102 as being anticipated by either Maguire or the PCT '763 publication ("PCT"). Neither the Maguire reference or PCT show or disclose a shutter carried on the hopper which is directly shiftable to open an aperture in the hopper when the hopper is placed on the grinder.

With regard to the rejection under 35 U.S.C. §102, it is well settled, anticipation requires "identity of invention." *Glaverbel Societe Anonyme v. Northlake Manufacture Mktg. & Supply*, 33 USPQ2d 1496, 1498 (Fed. Cir. 1995). Each and every element recited in a claim must be found in a particular prior art reference and arranged as in the claims. *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978); *Lindemann Maschinenfabrik GMBH*, see *American Hoist and Derrick Company*, 221 USPQ 481, 485 (Fed. Cir. 1984). Furthermore, in a rejection under 35 U.S.C. §102(b) there must be no difference between what is claimed and what is disclosed in the applied reference. *In re Kalm*, 154 USPQ 10, 12 (CCPA 1967); *Scripps v. Genentech Inc.*, 18 USPQ2d 1001,1010 (Fed. Cir. 1991).

Each and every element recited in the claims are not found in the Maguire or PCT references. With the foregoing in mind, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102 based on Maguire or PCT.

In re Appln. of FORD, David F
Application No. 10/553,978

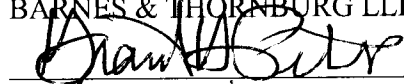
With regard to the Examiner's rejection of claim 10 under 35 U.S.C. §102 based on PCT '969, Applicant respectfully asserts that claim 10 as originally filed includes the hopper with a handle for gripping when placing the hopper on the top assembly in a "non-vertical direction". Clearly, the PCT '969 reference requires a vertical telescopic arrangement to place the hopper in the housing of the mechanism. PCT '969 prevents a non-vertical removal of the hopper from the assembly.

Applicant also submits new claims 11 - 24 which are respectfully asserted to be allowable over the cited references of record. Applicant respectfully requests favorable reconsideration of these new claims.

Applicant encourages the Examiner to contact the undersigned attorney by telephone should the Examiner believe additional changes are required to the claims which can be resolved by way of a telephone interview.

It is believed that fees are not required for this Response, however it is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and any other fees or shortages in other fees, being charged, or any overpayment in such fees being credited, to the Deposit Account of Barnes & Thornburg LLP, Deposit Account No. 12-0913 acknowledging attorney docket no. (27726-95687).

Respectfully submitted,
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